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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/122,740	07/27/1998	KAZUHIRO TOMIZAWA	614.1907	4749

21171 7590 09/08/2006

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EXAMINER	
FLEURANTIN, JEAN B	

ART UNIT	PAPER NUMBER
2162	

DATE MAILED: 09/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/122,740	TOMIZAWA, KAZUHIRO	
	Examiner	Art Unit	
	JEAN B. FLEURANTIN	2162	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 June 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-8,12,14-16 and 23-29* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *1, 3-8, 23-25 and 29* is/are allowed.

6)☒ Claim(s) *12,14-16 and 26-28* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. This is in response to Applicant(s) arguments filed on 6/12/06.

Claims 1, 3-8, 12, 14-16 and 23-29 remain pending for examination.

Response to Applicant' Remarks

Applicant's arguments submitted on 6/12/06 have been fully considered but they are not persuasive for the following reasons, see sections A and B.

Claim Rejections - 35 USC § 103

A. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 12, 14-16 and 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,584,022 issued to Kikuchi et al., ("Kikuchi") in view of U.S. Patent No. 5,918,229 issued to Davis et al., ("Davis").

As per claim 12, Kikuchi discloses "an information processing apparatus"(i.e., communication process between the client and the server via network; see col. 4, lines 50-55), "storing a plurality of applications at addresses of a computer-readable storage" (i.e., storing plurality of files in the storage location addresses; see col. 4, lines 62-64), comprising:

"directory structure, in the computer-readable storage" (i.e., storing the directory information in the directory structure storage; see col. 10, lines 8-11),

"comprising wherein, in the computer-readable storage, information of the of the application addresses are given directly of the directories structure, respectively" (see col. 9, lines 15-22), "the

application address information identifying the applications, respectively" (i.e., identification information (ID1-ID6) are stored in the open information storage (25); see col. 10, lines 1-4),

"where the applications are needed for corresponding data files, and where the data files are organized and stored in the computer-readable storage using the directories of the directory structure" (see col. 3, lines 36-38),

"wherein an address of the plurality applications are the items of identification information" (i.e., identification information (ID3, ID5 and ID6) are respectively assigned to these directories (id3, id5 and id6); see col. 6, lines 50-56).

Kikuchi fails to explicitly disclose a plurality of directories corresponding to the plurality of applications independently of whether a directory in the directory structure is a subordinate directory or a highest directory. However, Davis discloses a plurality of directories corresponding to the plurality of applications independently of whether a directory in the directory structure is a subordinate directory or a highest directory (see col. 26, lines 36-44). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Nakashima with a plurality of directories corresponding to the plurality of applications independently of whether a directory in the directory structure is a subordinate directory or a highest directory as disclosed by Davis (see Davis Fig. 10 and corresponding descriptions). Such a modification would allow the teachings of Kikuchi to provide users with quick and facile access to enormous amounts of data (see col. 1, lines 26-27). Thereby, improving the reliability and operation of these centralized structured storage network systems (see Davis col. 2, lines 11-13).

As per claim 14, Kikuchi discloses "an application management table that stores the items of identification information and starting addresses of the plurality of applications, the plurality of applications corresponding to the items of identification, respectively (col. 4, lines 63-65).

As per claim 15, Kikuchi substantially discloses the invention as claimed except wherein an item of the items of identification information is given to one of the highest directory of the directory structure, the most subordinate directly of the directory structure, or a master directory of the directory structure. However, Davis discloses wherein an item of the items of identification information is given to one of the

highest directory of the directory structure, the most subordinate directly of the directory structure, or a master directory of the directory structure (see col. 26, lines 36-44). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Nakashima with wherein an item of the items of identification information is given to one of the highest directory of the directory structure, the most subordinate directly of the directory structure, or a master directory of the directory structure as disclosed by Davis (see Davis Fig. 10 and corresponding descriptions). Such a modification would allow the teachings of Kikuchi to provide users with quick and facile access to enormous amounts of data (see col. 1, lines 26-27). Thereby, improving the reliability and operation of these centralized structured storage network systems (see Davis col. 2, lines 11-13).

As per claim 16, Kikuchi discloses "an item of the information of the application addresses is given to each directory of the directory structure" (see col. 4, lines 62-64 and col. 9, lines 15-20).

As per claim 26, the limitations of claim 26 are rejected in the analysis of claim 12, and this claim is rejected on that basis.

As per claim 27, Kikuchi discloses "wherein the memory card comprises an IC card" (see col. 9, lines 49-55).

As per claim 28, Kikuchi discloses "wherein the memory card comprises an IC card" (see col. 6, line 16 and col. 9, lines 49-55).

Allowable Subject Matter

The following is a statement of reasons for the indication of allowable subject.

As per claims 1, 3-8, 23-25 and 29 the claimed features "electronically performing management so that when one of the data files is selected a needed application corresponding to the data file's a directory of the directories is automatically selected and executed by referring to the selected data file's directory to obtain its application's address information and therewith access and execute the application at the computer-readable storage location of the thus-obtained address information given to the directory, where the selection for execution is responsive to the data file of the directory being selected" in conjunction with other elements of the independent claims are not found as anticipated or obvious over the prior art made of record.

B. In response to applicant's argument, page 8, lines 5-25, that "Kikuchi alone or in combination does not teach an application . . . directory as recited by independent claim 12 according to the present invention." The examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Kikuchi fails to explicitly disclose a plurality of directories corresponding to the plurality of applications independently of whether a directory in the directory structure is a subordinate directory or a highest directory. However, Davis discloses a plurality of directories corresponding to the plurality of applications independently of whether a directory in the directory structure is a subordinate directory or a highest directory (see col. 26, lines 36-44). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Nakashima by a plurality of directories corresponding to the plurality of applications independently of whether a directory in the directory structure is a subordinate directory or a highest directory as disclosed by Davis (see Davis Fig. 10 and corresponding descriptions). Such a modification would allow the teachings of Kikuchi to provide users with quick and facile access to enormous amounts of data (see col. 1, lines 26-27), thereby improving the reliability and operation of these centralized structured storage network systems (see Davis col. 2, lines 11-13).

Furthermore, in addition to the discussion above, Kikuchi discloses a file sharing method; see col. 1, lines 5-11. Davis discloses a structured storage systems; see col. 1, lines 14-20. Thus, the combination of Kikuchi and Davis discloses the claimed invention.

MPEP 2111: During patent examination, the pending claims must be "given the broadest reasonable interpretation consistent with the specification" Applicant always has the opportunity to amend the claims during prosecussion and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 162 USPQ 541,550-51 (CCPA 1969). The court found that applicant was advocating ... the impermissible importation of subject

matter from the specification into the claim. See also In re Morris, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997) (The court held that the PTO is not required, in the course of prosecution, to interpret claims in applications in the same manner as a court would interpret claims in an infringement suit. Rather, the "PTO applies to verbiage of the proposed claims the broadest reasonable meaning of the words in their ordinary usage as they would be understood by one of ordinary skill in the art, taking into account whatever enlightenment by way of definition or otherwise that may be afforded by the written description contained in application's specification.").

The broadest reasonable interpretation of the claims must also be consistent with the interpretation that those skilled in the art would reach. In re Cortright, 165 F.3d 1353, 1359, 49 USPQ2d 1464, 1468 (Fed. Cir. 1999).

For the above reasons, it is believed that the last Office Action was proper.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

CONTACT INFORMATION

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JEAN B. FLEURANTIN whose telephone number is 571 – 272-4035. The examiner can normally be reached on 7:05 to 4:35.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOHN E BREENE can be reached on 571 – 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jean Bolte Fleurantin

Patent Examiner

Technology Center 2100

2006-08-31

SHAHID ALAM
PRIMARY EXAMINER